

_____ BILL NO. _____

INTRODUCED BY _____

(Primary Sponsor)

A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING THE INCARCERATION ENHANCEMENT FOR BIAS-BASED CRIMES; ALLOWING A SENTENCING JUDGE TO ORDER PARTICIPATION IN VICTIM IMPACT PROGRAMMING AS AN ENHANCEMENT FOR ANY BIAS-BASED CRIME; AND AMENDING SECTION 45-5-222, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 45-5-222, MCA, is amended to read:

"45-5-222. ~~Sentence~~ Bias-based crimes -- ~~sentence~~ enhancement -- ~~offenses committed because~~ of victim's race, creed, religion, color, national origin, or involvement in civil rights or human rights activities. (1) A person who has pleaded guilty or nolo contendere to or who has been found guilty of any offense, except malicious intimidation or harassment, that If the provisions of 46-1-401 have been complied with and except as provided in 46-18-222, a sentencing judge may, as provided in subsection (2) of this section, enhance the sentence of a person convicted of any offense, including a violation of 45-5-221, if the offense for which the person is being sentenced was committed because of the victim's race, creed, religion, color, national origin, or involvement in civil rights or human rights activities or ~~that~~ involved damage, destruction, or attempted destruction of a building regularly used for religious worship, in addition to the punishment provided for commission of the offense, may, if the provisions of 46-1-401 have been complied with, be sentenced to a term of imprisonment of not less than 2 years or more than 10 years, except as provided in 46-18-222.

~~———— (2) An additional sentence prescribed by subsection (1) must run consecutively to the sentence, except as provided in 46-18-222.~~

(2) In addition to any other penalty provided by law, a person convicted of a bias-based crime may be ordered to participate in victim impact programming through the department of corrections. The programming must include use of a victim impact panel."

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